

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH)
BENEFITS FUND, PIRELLI ARMSTRONG)
RETIREE MEDICAL BENEFITS TRUST;)
TEAMSTERS HEALTH & WELFARE FUND)
OF PHILADELPHIA AND VICINITY;)
PHILADELPHIA FEDERATION OF)
TEACHERS HEALTH AND WELFARE)
FUND; DISTRICT COUNCIL 37, AFSCME -)
HEALTH & SECURITY PLAN; JUNE)
SWAN; BERNARD GORTER, SHELLY)
CAMPBELL and CONSTANCE JORDAN,)

Plaintiffs,)

v.)

FIRST DATABANK, INC., a Missouri)
corporation; and McKESSON)
CORPORATION, a Delaware corporation,)

Defendants.)

C.A. No. 1:05-CV-11148-PBS

**[PROPOSED] ORDER APPROVING PARTIAL DISTRIBUTION OF THE
SETTLEMENT FUND TO THE CASH PAYOR AND TPP SUBCLASSES**

For the reasons set forth in Class Plaintiffs' Unopposed Motion to Approve Partial Distribution of the McKesson Settlement Fund, the Declaration of Steve W. Berman in support of same, and the Affidavit of Eric J. Miller regarding the same, filed December 22, 2010, the Court hereby:

- Approves the procedures used and actions taken by the Class Claims Administrator;
- Approves payment of the timely-filed valid claims as determined by the Claims Administrator;
- Approves payment of valid, but late-filed, claims as determined by the Claims Administrator;
- Approves disallowance of claims identified by the Claims Administrator as deficient, invalid, or otherwise ineligible for payment;
- Directs the Escrow Agent to disperse funds to the Claims Administrator in the amount of \$31,988,259.09 for the purpose of distributing funds to the Cash Payor Subclass;
- Directs the Claims Administrator to distribute funds to eligible claimants in the Cash Payor Subclass as follows:
 - a. In recognition of the claimants' time and effort in filing claims, all individually-filed claims will be paid first at the greater of i) their Recognized Loss ("RL") or ii) the minimum dispersal amount of [selected by the Court, *i.e.* \$25, \$50, or \$100] \$____
 - b. After payment to the individually-filed claims, all claims automatically derived from the data provided pursuant to the Pharmacy Subpoena Project shall be ranked from the highest to lowest RL with priority being given to the higher ranked claims; each claimant will receive the Court-designated minimum until all funds designated for dispersal to the Cash Payor Subclass are exhausted.

SO ORDERED.

DATED: Boston, Massachusetts

This _____ day of December, 2010

Hon. Patti B. Saris
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on December 22, 2010.

/s/ Steve W. Berman
Steve W. Berman